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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/757,899	01/14/2004	Won-Pyo Park	678-1167	4765

66547 7590 05/17/2007  
THE FARRELL LAW FIRM, P.C.  
333 EARLE OVINGTON BOULEVARD  
SUITE 701  
UNIONDALE, NY 11553

EXAMINER
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RAMAKRISHNAIAH, MELUR

ART UNIT	PAPER NUMBER
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2614

MAIL DATE	DELIVERY MODE
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05/17/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.



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Commissioner for Patents  
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Date: May 16, 2007

In re Application of: Park, Won-Pyo

Application No: 10/757,899

Filed Date: January 14, 2004

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Response to Request for Refund

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This is in response to your request submitted on March 27, 2007; wherein you requested a refund in the amount of \$570.00 for the above-identified application.

After thorough inspection of U.S. Patent and Trademark Office physical records in the above identified application and Revenue Accounting Management financial records, it is determined that you are not entitled to a refund.

The money cannot be refunded because under 37 CFR 1.26(a) refunds are only allowed if the fee was paid by mistake or in excess of that required. In this situation, the extension of time and the Request for Continued Examination were required to keep the case from becoming abandoned.

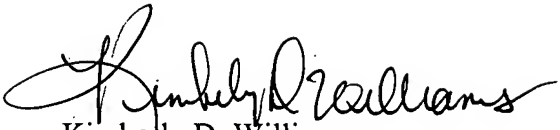
Responses under 37 CFR 1.116 and 1.35(b) will not operate to avoid abandonment for the application in the absence of a timely and proper appeal. Any delay is not "unavoidable" when applicant simply permits the maximum extendable statutory period for reply to a final office action to expire while awaiting a notice of allowance or other action. Finally, a delay caused by an applicant's lack of knowledge or improper application of the patent statute, rules of practice or the MPEP is not rendered "unavoidable" due to: (A) the applicant's reliance upon oral advice from USPTO employees; or (B) the USPTO's failure to advise the applicant of any deficiency in sufficient time to permit the applicant to take corrective action. See *In re Sivertz*, 227 USPQ 255, 256 (Comm'r Pat. 1985). See MPEP 711.03(c).

Furthermore, since the application was in final status and prosecution was closed, applicant no longer has any right to unrestricted further prosecution. MPEP 714.12. Applicant cannot as a matter of right amend any finally rejected claims

In view of the above the request for refund is dismissed.

Telephone inquiries concerning this matter may be directed to the undersigned at 571-272-7282.

This application will be forwarded back to examiner of record.

A handwritten signature in black ink, reading "Kimberly D. Williams". The signature is fluid and cursive, with the first name "Kimberly" being more prominent than the last name "Williams".

Kimberly D. Williams

Supervisory Legal Instruments Examiner

TC2600 Team 3